

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICHARD L. GEIER,)
)
)
Plaintiff,)
)
)
)
v.) CASE NO.:
)
ANDERSONVILLE BUS LINES, INC.,)
and DAVID LANDRETH, Individually,)
)
)
Defendants.)

NOTICE OF REMOVAL

The Defendants Andersonville Bus Lines, Inc. (“ABL”) and David Landreth, pursuant to 28 U.S.C. § 1446 *et seq.*, respectfully file this Notice of Removal, to remove this action from the Anderson County Circuit Court, Tennessee to the United States District Court for the Eastern District of Tennessee, at Knoxville, and with respect thereto would show unto this Court the following:

1. The above-styled cause was commenced in the Anderson County Circuit Court, Tennessee, Civil Action No. B7LA0030 by virtue of the Complaint filed on March 3, 2017, by the Plaintiff, Richard L. Geier, (“Geier” or “Plaintiff”), Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint in that action is attached hereto as Collective **Exhibit 1**, and constitutes all process, pleadings, and orders served upon Defendant in such action.

2. This action is one of a civil nature for damages claimed as a result of an alleged violation of federal law, specifically, the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 201, *et. Seq.*

3. The above-described action is a civil action in which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, because the action arises under the laws of the United States, specifically, the FLSA, 29 U.S.C. § 201, *et. Seq.*

4. Venue is proper in this District pursuant to 28 U.S.C. § 1446(a), in that this District embraces the place where this action is pending, where all parties are located, and where the events alleged in the Complaint are alleged to have occurred.

5. A copy of the Summons and Complaint was first served and received by ABL on March 17, 2017. Therefore, the time period within which ABL and Landreth are required to file this Notice of Removal, pursuant to 28 U.S.C. § 1446(b), has not yet expired and removal is timely.

6. Notice of the filing of this pleading will be given to the Plaintiff as required by 28 U.S.C. § 1446(d), as certified in the certificate of service.

7. A true copy of this Notice of Removal will be filed with the Anderson County Circuit Court promptly after the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d). See **Exhibit 2**.

8. The requisite filing fee for the institution on an action in Federal Court is submitted with this Notice.

WHEREFORE, the Defendants, Andersonville Bus Lines, Inc., and David Landreth file this Notice of Removal for the purpose of removing this action from the Anderson County Circuit Court, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville and prays that the described action be removed therefrom to this Court.

Respectfully submitted, this 13th day of April, 2017.

/s/ L. Eric Ebbert

L. Eric Ebbert, BPR No. 017958
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Counsel for the Defendants, Andersonville
Bus Lines, Inc., and David Landreth

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Notice of Removal was served by U.S. Mail, postage prepaid this 13th day of April, 2017, upon the following:

Jesse D. Nelson
Kayla L. Towe
Nelson Law Group, PLLC
10263 Kingston Pike
Knoxville, TN 37922

/s/ L. Eric Ebbert
L. Eric Ebbert

Exhibits:

- 1 – State Court filings (Complaint and Return of Service of Summons)
- 2 – Notice of Filing Notice of Removal